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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,037

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Bartel Marinus Van De Sluis

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

CHOWDHURY, ZIAUL A.

ART UNIT

PAPER NUMBER

2192

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/567,037</p>	<p><b>Applicant(s)</b> VAN DE SLUIS ET AL.</p>	
	<p><b>Examiner</b> ZIAUL CHOWDHURY</p>	<p><b>Art Unit</b> 2192</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 01 June 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: None.  
Claim(s) rejected: 1-9.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Answers to the Arguments On Continuation sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Tuan Q. Dam/  
Supervisory Patent Examiner, Art Unit 2192

/ZIAUL CHOWDHURY/  
Examiner, Art Unit 2192

## Answers to the Arguments

- Applicant contended that “Salmimaa does not include any discussion of a selection context. The entirety of Salmimaa is directed at display icons based on context value” (Applicants’ Remarks page 3 3rd, paragraph).

Examiner respectfully disagrees with applicants’ remarks because Salmimaa discloses -The method includes a step of comparing one or more characteristics associated with each icon to one or more context values, such as time of day, geographic area, or user profile characteristics. Icons that best match one or more context values are represented in a display format that is enlarged in relation to other icons on the display device. The context values may include dynamically changing information, such as a current location of the user, so that as the user moves to a different geographic area, different icons are enlarged on the display device –emphasis added (See Salmimaa paragraph [0009]); wherein Salmimaa further discloses -The user of the mobile terminal can SELECT any object using a conventional keypad, cursor button, stylus, or the like. In one embodiment, an icon selector, such as a magnifying glass metaphor seen at the far right portion of FIG. 1, can be used to highlight and SELECT a desired icon (See Salmimaa paragraph [0031]- emphasis added). Thus, user may select a desirable item (icon) out of plurality of items (icons) presented within an appropriate context; wherein the items are presented according to the context which is directly associated with time of day, geographical area, or user profile characteristic.

Therefore, it is clearly demonstrated that representation of presentation context depends upon the time parameter, geographical location parameter, and user profile parameter, and according to this specific context the icons are displayed on display device for user to select desirable item. (Please also refer to Specification page 1, lines 20-29, page 2, lines 1-21).

- Applicants’ contended that “However, what is completely missing from any discussion within Salmimaa is the discussion of selection context. That is, neither the context value nor the display of the icons has any relationship with a selection context Specially, Salmimaa discloses that icons are received by the mobile device based on messages transmitted by entities associated with the icon” (Applicants’ Remarks page 3 3rd, paragraph).

Examiner respectfully disagrees with applicants because Salmimaa discloses -FIG. 6A shows a priority-ordered list of context values contained in a first user's profile. User A has selected proximity of service as the top priority, thus indicating that services having the closest proximity to the mobile unit (e.g., within a half-mile) should be ranked the highest, and corresponding icons should be displayed the most prominently on the display. The second priority relates to type of establishment, wherein the user may have selected one or more establishment types (e.g., food, retail, movies, and transportation). Services that best match these values will be ranked priority 2. Similarly, the user has indicated that availability of services (e.g., vacancy at a hotel or lack of crowds or waiting time at a restaurant) should receive priority level 3. Priority 4 has been specified for friends of the mobile terminal user; priority 5 has been specified for price of services; and priority 6 has been specified for grade of service (e.g., four-star hotels). Thus, each of these priorities are selectable contexts, and which have been defined for users to select the priority due to individual need. Further, after selecting any of the priority, the corresponding icons are displayed most prominently on the display which are also governed by geographical context, user profile, and time of the day. It is therefore reasonable to one of ordinary skill in the art to realize that selection context, displayable selectable items (icons), user profile, and geographical area are all inter related.

- Applicants’ contended that “Accordingly, Salmimaa fails to discloses or suggest ‘the selection context representation including at least a parameter indication a geographical area’ because there is no selection context” (Applicants’ Remarks page 4, last part of 3rd, paragraph from page 3).

Examiner respectfully disagrees with applicants because as stated above the selection of proximity of service as the top priority includes a parameter associated with geographical area, (Also refer to FIG. 7 of Salmimaa). Therefore, it is clearly indicate that Salmimaa’s device which display plurality of items (object) are represented by icons on the display screen are prioritized for display those items due to their context means. That means the items on the display menu have a dependency relationship with context means, and representation of ontext has the dependency on geographical position (Please also refer to Specification page 1, lines 20-29, page 2, lines 1-21).

- Applicants’ contended that “neither Salmimaa nor Nakajima provide any motivation for modifying the system of either reference to result in the recitation of ‘enabling a user to select an item in selection context, a selection context representation representing the selection context, the selection context representation including at least a parameter indicating a geographical area” (Applicants’ Remarks page 4 1st, paragraph).

Examiner respectfully disagrees with applicants because each limitation that was rejected when applying combined arts and examiner sufficiently provided the motivation along with paragraph mbers that supports the motivation –please refer to the previous office action(s). Further, the examiner respectfully suggests the applicant to consider the entirety of the all cited references that were applied in combination against the claimed invention because Salmimaa’s background of the invention adequately suggests that why a person of ordinary skill in the art would be motivated to add most of the features from Salmimaa’s invention in to Nakajima’s method. Specially, refer to Salmimaa paragraph [0006-0007].

Salmimaa further suggests that –a display mode selector which allows a user to select one of two display modes. Within the first display mode, the icons represent applications are arranged in rows and columns, which enable users to navigate in two dimensions which further enable the using cursor to select an item. In a second display mode, the icons are displayed on one side of the device with text field adjacent to each icon –See Salmimaa Paragraph [005]. The above statement signifies that the user may select an item from a context menu wherein the identified item can be displayed distinctively due to it’s context value, further, wherein the context value is determined due the display device’s geographical position. Thus, it would have been obvious to one ordinary skill in the art at the time the invention was made to combine both Salmimaa and Nakajima to produce a display device which would provide the user with enhance capability to select an item from context menu which may have been displayed in different displaying mode, and the icons which represent the menu items would be displayed in enlarged forms due to its value within the context of plurality of other icons, wherein the value of the plurality of items/icons in the context depend on device’s geological position.

- In reference to applicants’ remarks regarding claims 4, 5, and 7 on page 5, 4th, paragraph.e

Examiner respectfully disagrees with applicants because Roth adequately discloses a number of times said item has been selected, along with the most recent selected item(s) –See Roth paragraph 68 and 80. Roth further discloses –The automatic ranking control feature of the present invention uses one or more heuristic factors to automatically control the order in which menu item are arranged on a given menu. This feature is significant because it allows the menu management mechanism of the present invention to adapt quickly as use patterns change, while still taking historical selection patterns into account –See Roth Paragraph 10.